



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 18 2015

Sent via Certified Mail:
Return Receipt Requested

James M. Tewayguna, Kikmongwi
First Mesa Consolidated Villages
Hopi Tribe
P.O. Box 260
Polacca, Arizona 86042

Re: Title and Ownership Documents for Public Water System
Polacca- EPA PWS ID Number 090400106

Dear Mr. Tewayguna:

This letter is a follow-up to the May 1, 2014, drinking water inspection of the Polacca (Village) Public Water System (System) conducted by Christopher Chen and Hillary Hecht of the U.S. Environmental Protection Agency (EPA) Region 9 under the authority of Section 1445(b) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4(b)(c).

Based on information gathered by EPA, it appears that the Systems' running annual average for arsenic has exceeded the SDWA's maximum contaminant level ("MCL") of 0.010 mg/L.

Pursuant to EPA's authority under Section 1445 of the SDWA, 42 U.S.C. § 300j-4, and for purposes of determining compliance with the SDWA regulations, EPA hereby requires you, in your capacity as Kikmongwi, and as a possible owner/operator of the System, to provide the following information:

1. Copy of any and all documents, including legal title documents, deed documents and lease/contract agreements, that identify a party or parties as having a legal, equitable, or other interest in the System.
2. Copy of any documents regarding transfer of ownership or operation of the System from one party to another, including the United States Government or any entity there of, to another party, including the Hopi Tribe and/or Tribal Villages.
3. Copy of any title reports showing the history of title of the System.
4. Copy of any document concerning who is responsible for the operation of the System, or documenting who has operated the System for any period of time within the past ten years. Please include copies of any and all documents concerning who is responsible for funding maintenance, personnel, monitoring, and/or general upkeep of the System.

Include expense reports, receipts, invoices, or the like, for any major expenses incurred at the System which document which entity paid for the work performed.

5. Copy of any documents concerning who receives proceeds from any fees or rates charged for receipt of water provided from the System, including an example of a bill(s) or invoice(s) charged to customers or users of the System.
6. Copy of any document which demonstrates the Village received a grant or other source of outside funding for the operation of the System.
7. Copy of and/or citation to any tribal and/or village laws, resolutions, constitutional provisions, etc. regarding ownership and/or operation of the System.

All submittals made in response to this letter must be accompanied by the following certification, which is to be signed by you or a duly authorized representative appointed by you, in accordance with 40 C.F.R. § 144.32(b) and (d):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Your response to this information request must be submitted by April 7, 2015 to the following address:

Patrick Chan
USEPA, Region 9
Enforcement Division
Water and Pesticides Branch (ENF 3-3)
75 Hawthorne Street
San Francisco, CA 94105

In lieu of submitting the response by mail, you may submit your response as portable document files ("pdf"), including the signed certification, via electronic mail to Mr. Chan at chan.patrick@epa.gov.

Failure to submit the requested information may subject you to enforcement action by EPA and may result in significant monetary penalties, including a civil penalty of up to \$37,500 pursuant to Section 1445(c) of the SDWA, 42 U.S.C. § 300j-4(C). The information provided in response to this letter may be used by EPA in administrative, civil or criminal proceedings.

EPA has promulgated regulations to protect the confidentiality of business information it receives. These regulations are set forth in 40 C.F.R. Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified in 40 C.F.R. § 2.203(b) for part or all of

the information submitted in response to this letter. EPA will disclose business information covered by such a claim only to the extent authorized by 40 C.F.R. Part 2, Subpart B. If no business confidentiality claim accompanies the information when EPA receives it, EPA may make it available to the public without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.

This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" under 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1).

Thank you for your attention to this matter. Please feel free to contact Mr. Chan at (415) 972-3551 or chan.patrick@epa.gov with any questions and/or concerns.

Sincerely,



Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office

Cc: Ivan Sydney, First Mesa Consolidated Villages

